

## REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Favorable reconsideration and allowance of the claims is respectfully requested.

### Status of Claims

Claims 81, 85, 90, 91 and 97-102 are currently pending in the Application. Claims 86-89 and 92-94 have been withdrawn from consideration. Claims 81, 90, 97 and 100 have been amended. No new matter has been added.

### 35 U.S.C. § 103 Rejection

In the Office Action, the Examiner rejected claims 81, 85, 90-91, and 97-102 under 35 U.S.C. § 103 as being unpatentable over Tanaka et al. (US Patent No. 6,667,765) in view of Yamanaka et al (US Patent No. 6,219,091) and further in view of Higuchi et al (US Patent No. 6,254,531) and further in view of Fulghum (US Patent No. US Patent No. 6,364,829).

Applicants respectfully traverse the rejection of claims 81, 85, 90-91, and 97-102 under 35 U.S.C. § 103 in view of the remarks that follow.

Applicants' claim 81, as amended, recites, inter alia:

a controller, wherein the controller is configured to, across a plurality of imaging periods, within each imaging period, operate the light source to emit white light, record, via one or more control pixels, the control pixels being a subset of the plurality of pixels, the amount of the white light that is reflected to the imaging device, control the image gain level of the imager based on the amount of the white light that is reflected to the imaging device, and capture and transmit an image frame based on the plurality of pixels.

The claims have been amended so that (with reference to claim 81 as an example) "control pixels, the control pixels being a subset of the plurality of pixels" are used to record an amount of light and a device is to "transmit an image frame based on the plurality of pixels." The "plurality of pixels" used to create the image includes as a subset the control pixels.

Amended claims 90, 97 and 100 each include different limitations from amended claim 81, but for the purpose of the arguments below, similar claim limitations will be discussed.

Column 8, ll. 26-43 and column 5, ll. 44-59 of Tanaka does not disclose capturing images “across a plurality of imaging periods”, as asserted by the Examiner on page 2 of the Office Action. The Examiner notes on page 3 of the Office Action that Tanaka does not disclose operating the light source via control pixels.

On page 3 of the Office Action the Examiner states that the Application discloses that control pixels may be adapted for fast readout which is well known in the art. However, in paragraph [0129] of the Application as published, cited to by the Examiner, “fast readout” is the only teaching that is described as being known in the art. Paragraph [0129] states that the novel use of control pixels is new and not in the prior art. Paragraph [0151], also cited to by the Examiner, merely states that in one embodiment the control pixels may be regular pixels assigned to the function of control pixels.

On page 3 of the Office Action the Examiner states that Fulghum teaches a pixellated CMOS device, but the Examiner does not assert that Fulghum teaches control pixels. Fulghum does not in fact teach control pixels, or “control pixels being a subset of the plurality of pixels”.

The Examiner states that Yamanaka discloses controlling light operation based on a plurality of pixels. However, this does not equate to “control pixels being a subset of the plurality of pixels”, and Yamanaka does not in fact disclose control pixels as disclosed in Applicants’ amended independent claims.

The Examiner states that Higuchi teaches a plurality of pixels and controlling light operation. The Examiner does not assert that Higuchi discloses “control pixels being a subset of the plurality of pixels”, and Higuchi does not include control pixels as claimed in Applicants’ pending claims.

On page 4 of the Office Action the Examiner asserts that Tanaka teaches an “exposure control time value” and determining an amount of light based on “exposure time.” However, these teachings do not disclose comparing light received at “a sampling instance” as required in claim 90.

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Therefore, independent claims 81, 90, 97 and 100 are allowable over Tanaka, Yamanaka, Higuchi, Fulghum, and the information provided in Applicants' specification, alone or in combination.

Each of claims 85, 91, 98-99, and 101-102 depends from one of claims 81, 90, 97, or 100 and includes all the limitations thereof. Therefore, each of claims 85, 91, 98-99, and 101-102 are likewise allowable.

Accordingly, Applicants respectfully request that the rejection of claims 81, 85, 90-91, and 97-102 under 35 U.S.C. § 103 be withdrawn.

#### **Conclusion**

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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